

Robert W. Dickerson (CA SBN 89367)  
*dickersonr@dicksteinshapiro.com*  
DICKSTEIN SHAPIRO LLP  
2049 Century Park East, Suite 700  
Los Angeles, CA 90067-3109  
Telephone: (310) 772-8300  
Facsimile: (310) 772-8301

DOC SLA-119864 v1

Attorney for Defendant/Counterclaimant  
SPINAL KINETICS, INC.

Jeffrey M. Olson (CA SBN 104074)  
*jolson@sidley.com*  
SIDLEY AUSTIN LLP  
555 W. Fifth Street, Suite 4000  
Los Angeles, California 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

Attorney for Plaintiff/Counter-Defendant  
DEPUY SYNTHES PRODUCTS, LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

DEPUY SYNTHES PRODUCTS, LLC,

Plaintiff,

v.

SPINAL KINETICS, INC.,

Defendant.

CASE NO. CV-13-0875-RMW

Hon. Ronald M. Whyte

**STIPULATION TO LIFT STAY AND TO  
DISMISS ACTION IN ITS ENTIRETY**

SPINAL KINETICS, INC.,

Counter-Claimant,

v.

DEPUY SYNTHES PRODUCTS, LLC, and Does  
1-5,

Counter-Defendants.

Plaintiff Depuy Synthes Products, LLC (“Depuy Synthes”) and Defendant Spinal Kinetics, Inc. (“Spinal Kinetics”), by their respective undersigned attorneys, hereby stipulate that the existing Stay (Dkt. No. 19) in the above captioned matter can be lifted, and that this action shall be dismissed pursuant to the terms of a Settlement Agreement. The dismissal by Depuy Synthes of its claims for relief is with prejudice as to all claims asserted against Spinal Kinetics, and the dismissal by Spinal Kinetics is without prejudice as to all counterclaims asserted against Depuy Synthes. Except as otherwise agreed between the parties, each party shall bear its own attorneys’ fees and costs. A proposed order dismissing this action is being filed herewith.

This Court shall retain subject matter and personal jurisdiction over the parties with respect to any dispute that may arise under the terms of their settlement agreement.

Agreed to and submitted by:

Dated: May 23, 2014

SIDLEY AUSTIN LLP

By: /s/ Jeffrey M. Olson

Jeffrey M. Olson  
Attorneys for Plaintiff/Counter-Defendant  
DEPUY SYNTHES PRODUCTS, LLC

Dated: May 23, 2014

DICKSTEIN SHAPIRO LLP

By: /s/ Robert W. Dickerson

Robert W. Dickerson  
Attorneys for Defendant/Counter-claimant  
SPINAL KINETICS, INC.

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE DIVISION**

10 DEPUY SYNTHES PRODUCTS, LLC,

11 Plaintiff,

12 v.

13 SPINAL KINETICS, INC.,

14 Defendant.

CASE NO. CV-13-0875-RMW

Hon. Ronald M. Whyte

**☐ ORDER LIFTING STAY  
AND DISMISSING ACTION IN ITS  
ENTIRETY**

15  
16 SPINAL KINETICS, INC.,

17 Counter-Claimant,

18 v.

19 DEPUY SYNTHES PRODUCTS, LLC, and Does  
20 1-5,

21 Counter-Defendants.  
22  
23  
24  
25  
26  
27  
28

1 Based on the “Stipulation Lifting Stay and of Dismissal” filed by Plaintiff Depuy Synthes  
2 Products, LLC (“Depuy Synthes”) and Defendant Spinal Kinetics, Inc. (“Spinal Kinetics”), it is  
3 hereby ORDERED that the existing Stay (Dkt. No. 19) is hereby lifted, and that all claims of Depuy  
4 Synthes, asserted against Spinal Kinetics, are dismissed with prejudice, and all counterclaims of  
5 Spinal Kinetics, asserted against Depuy Synthes, are dismissed without prejudice. Except as  
6 otherwise agreed by the parties, each party shall bear its own attorneys’ fees and costs.

7 This Court shall retain subject matter and personal jurisdiction over the parties with respect  
8 to any dispute that may arise under the terms of their settlement agreement.

9 **IT IS SO ORDERED.**

10 Dated: June 17, 2014



Honorable Ronald M. Whyte  
United States District Judge